

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CAROLINE P. AYRES, a/k/a	:	
CAROLINE P. AYRES-BROWN a/k/a	:	
CAROLINE P. AYRES-FOUNTAIN	:	
	:	C.A. No. 06-00338 SLR
Appellant	:	
	:	On Appeal from the United
v.	:	States Bankruptcy Court for the
	:	District of Delaware
EASTERN SAVINGS BANK,	:	Bankruptcy Case No. 05-20034
	:	
Appellee.	:	

**MOTION OF EASTERN SAVINGS BANK TO STAY MEDIATION PROCESS
AND TO DISMISS APPEAL**

FARR, BURKE, GAMBACORTA & WRIGHT
John R. Weaver, Jr.
(DE Bar Id. No. 911)
A Professional Corporation
914 Walnut Street
P.O. Box 510
Wilmington, Delaware 19899
Telephone: (302) 428-1077
Attorneys for Appellee Eastern Savings Bank

Dated: June 14, 2006

Appellee, Eastern Savings Bank, (“Eastern”), by its attorneys Farr, Burke, Gambacorta & Wright, a Professional Corporation, moves this Honorable Court for an order dismissing the appeal on the following grounds:

1. Appellant, Caroline P. Ayres, filed a Notice of Appeal of Order Modifying Motion for Relief from the Automatic Stay, with the United States Bankruptcy Court on May 11, 2006.
2. Appellant did not pay the filing fee of \$255.00 to the U.S. Bankruptcy Court in violation of Federal Rules of Bankruptcy Procedure Rule 8001 and Local Rule Bankruptcy Procedure 8001-1 (a).
3. Appellant did not file the designation due by May 22, 2006.
4. A Motion to dismiss the bankruptcy for failure to pay pre-confirmation trustee payments has been filed by the Trustee and scheduled for a hearing on July 24, 2006. Should the court grant the Trustee’s motion, this appeal would become moot.
5. A Notice of Mediation has been sent to parties in this case. Appellee request that the mediation is stayed to allow the Bankruptcy Court and District Court to rule on motions pending.

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For the foregoing reasons, defendant Eastern Savings Bank respectfully requests this Honorable Court to stay mediation and to dismiss Plaintiff's Appeal with prejudice.

RESPECTFULLY SUBMITTED,

FARR, BURKE, GAMBACORTA & WRIGHT
A Professional Corporation
Attorneys for Plaintiff Eastern Savings Bank

/s/ John R. Weaver, Jr.
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	:	
Appellee.	:	

CERTIFICATION OF SERVICE

I, John R. Weaver, Jr., Esquire, attorney for the movant, do hereby certify that I did on the 14th day of June 2006, electronically filed the Motion of Eastern Savings Bank to stay mediation process and to dismiss appeal with the Clerk of Court using CM/ECF, I hereby certify that on June 14, 2006, I have mailed two copies by United States Postal Service, the motion to the following registered participants:

Caroline P. Ayres, pro se
1 Gwynedd Lane
Hockessin, Delaware 19707

Joseph A. Malfitano, Esquire
1000 West Street, 17th Floor
Wilmington, Delaware 19801

I declare under penalty of perjury that the foregoing is correct.

Dated: June 14, 2006

BY: /s/ John R. Weaver, Jr.

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